

RAM Violation Trends and Enforcement Cases

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Radioactive Material Inspections

RAM Insp. State Wide	2011	2012	2013	2014 (7mos)
No. Inspection Rpts	1364	1260	1024	643
No. Rpts w/ Violation(s)	208 (15.2%)	194 (15.4%)	202 (19.7%)	144 (22.4%)
No. Rpts w/ IC Violation(s)	10	15	12	4
Investigations Rpts /w Violations	14	20	31	25

Inspection & Investigation Reports by Region

Inspections & Investigations Reports by Region	2011	2012	2013	2014 (7mos)
1 (Panhandle to Lubbock)	53	30	49	11
2 (W of DFW)	38	55	37	27
3 (DFW & surrounding)	255	229	177	134
4 (Tyler-NE)	78	86	85	35
5 (E of Houston)	53	47	37*	28
6 (Houston)	439	419	264*	184*
7 (Austin & surrounding)	132	114	71*	40*
8 (SA & surrounding)	114	112	137	88
9 (W of Austin)	93	56	49	46
10 (El Paso)	33	36	24	17
11 (Corpus C. to Harlingen)	76	22*	71	32

Notice of Violations by License Type

NOVs by License Type (Insp. Freq.)	2011	2012	2013	2014 (7 mos)
1.Medical (2-3yr)	85	56	61	43
2.Industrial Radiography (1yr)	47	48	68	42
3.Gauge (3-5yr)	62	49	38	25
4.Well Log & Tracer (3yr)	8	23	23	11
5.Industrial Radiographers (n/a)	?	25	18	19
6.Academic and R&D (3yr)	4	7	3	12
7.Service Providers (2-5yr)	2	2	0	3
8.Nuclear Pharmacies (2yr)	3	1	2	0
9.Unlicensed	2	0	1	2

Violation Citing Process

- Once violations are reported by the Inspection Unit, PSQA staff issues a Notice of Violation (NOV) and then presents the more serious findings to an Enforcement Review Committee, who determines whether additional enforcement action is appropriate (i.e., administrative penalties, suspension, revocation) based on criteria outlined in section 205.
- The most common violations are pre-established and have starting severity levels already assigned. Section 205(k)(3), establishes criteria to elevate or reduce severity levels.
- The most common reason to elevate is a violation occurring multiple times between inspections. This is reflected with terms of repeat or repetitive.
- The most common reason to reduce is based on self-identification and correction of the violation prior to the agency inspection.
- The issued Notice of Violation must be responded to in writing, and should be directed to the PSQA reviewer who signed it. A guidance document is enclosed with instruction and a 30 day reply deadline from the NOV letter date.

Enforcement Process

- Per 25 TAC §289.205(j)(3)(A) – Administrative penalties may be imposed for severity level 1 or 2 violations. In combination with these higher severity levels or for repeated violations, severity level 3, 4 and 5 violations may also be penalized.
- The Enforcement Unit, upon direction from the committee, then prepares and mails a **Preliminary Report** letter to the individual with the findings, proposed penalties and options.
- Options include paying the penalty, requesting an Informal Conference to discuss the violations and penalties, or request a formal hearing in front of an Administrative Law Judge at the State Office of Administrative Hearings (SOAH).
- A very high percentage choose the Informal Conference process, either in-person or by telephone, where they will be asked to outline their corrective and preventative actions and present any mitigating circumstances. Following such, agency staff may consider offering a penalty modification or optional binding conditions (i.e., audits, training, probation) for a settlement on the case.
- If no settlement is reached, the case will proceed to a formal hearing at SOAH.
- If an agreed settlement is reached, an **Agreed Order** is prepared for the company's representative or individual to sign and acknowledge the agreed outcomes. The order is final once it is signed by the Department's designee, and any assessed penalty is usually due within 30 days.

Yearly Informal Conferences

Yearly Conferences	2011	2012	2013	2014 (thru 7.5 mos)
Informal Conferences with Licensee	19	19	24	23
Informal Conferences with Ind. Radiographer	2	10	3	7
Avg. Settlement Cost per Licensee / Radiographer	\$1,074.2 / \$750	\$3,842.1 / \$1,125	\$5,463.5 / \$533.3	\$3,285.8 / \$821.4

Common Violations Leading to Enforcement and Penalties

- Failure to survey Radiography cameras after each exposure, to verify a source returning to a fully-shielded possession.
- Failure to properly secure sealed sources and/or control access to approved individuals (especially involving quantities of concern and/or loss of possession).
- Incidents resulting in occupational over-exposures.
- RSO's failing to conduct the duties of that position and/or having no agency approved RSO.
- Any "repeat" severity level 3 violation, those occurring between inspections.
- Most inspections with over three violations typically possess common characteristics: poor oversight and accountability practices by the owners and/or their Radiation Safety Officers.

DSHS License Types

Emergency Response Exercises, Radiation	DSHS conducts exercises at nuclear utility facilities and one nuclear weapons facility.	10 exercises total, one at a fixed nuclear facility
Environmental Monitoring, Radiation	DSHS analyzes environmental samples collected outside nuclear power plants for the purpose of monitoring accidental radiation releases.	1,850 samples tested
Industrial Radiographers	Licensees use radioactive material or x-ray machines during nondestructive testing activities, such as checking the integrity of wells in oil pipes and inspecting ships and aircraft.	4,059 licensees
Laser Registrations	Licensees include any individuals who receive, possess, acquire, transfer, or use lasers that emit or may emit laser radiation. The environments in which licensees operate are the healing arts; veterinary medicine; industry; academic, research and development institutions; and businesses that provide laser services.	2,095 licensees
Mammography Systems	Licensees are facilities required to adhere to federal guidelines for use of low-energy X-ray devices specifically to examine patients' breasts to screen, detect, and diagnose breast cancer.	691 licensees
Radioactive Materials Licenses	Licensees are any person who receives, possesses, uses, transfers, owns, or acquires radioactive material.	1,813 licensees
Waste Shipper and Transporter Radiation	Licensees include any person or entity who ships and transports low level radioactive material, including radioactive waste.	39 licensees
X-Ray Registrations	Licensees include any owner of an x-ray machine.	16,935 licensees